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TO: Commissioner for Patents
Attn: Examiner Harry B. Tanner
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: John G. Shudy, Jr.

OUR REF: H0005578(1161.1125101)
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Total pages, including cover letter: 12

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Title of Document Transmitted: Response to Restriction Requirement dated 12-1-04

Applicant: Michael A. Pouchak

Serial No.: 10/643,376

Filed: August 18, 2003

Group Art Unit: 3744

Our Ref. No.: H0005578(1161.1125101)

Confirmation No. 3616

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By: John G. Shudy, Jr.
Name: John G. Shudy, Jr.
Reg. No.: 31,214

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Name: Lynn Thompson

Lynn Thompson
Signature

December 28, 2004
Date

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Pouchak Confirmation No.: 3616
Serial No.: 10/643,376 Examiner: Harry B. Tanner
Filing Date: August 18, 2003 Group Art: 3744
For: THERMOSTAT HAVING MODULATED AND NON-MODULATED PROVISIONS
Docket No.: H0005578 (1161.1125101)

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Lynn Thompson

December 28, 2004
Date

This is in response to the Restriction Requirement mailed
December 1, 2004, with a statutory period set to expire on
January 1, 2005. This response is being filed within the set
period such that no extension of time is necessary.

In response to the Examiner's Restriction Requirement,
Applicants hereby elect Group I, claims 33-46 and claims 53-63.

Amendments to the claims are reflected in the listing of
claims which begins on page 2 of this paper.